

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MILTON THOMAS WALTON,)

Plaintiff,)

vs.)

Case No. CIV-18-532-M

UNITED STATES OF AMERICA,)

Defendant.)

ORDER

Plaintiff Milton Thomas Walton, a state prisoner appearing *pro se*, brought this action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b). On October 12, 2018, U.S. Magistrate Judge Shon T. Erwin issued a Report and Recommendation recommending that defendant's motion to dismiss be granted and plaintiff's motion for leave to amend or add parties and petition for mandamus be denied. Plaintiff was advised of his right to object to the Report and Recommendation by October 29, 2018. Although plaintiff was granted an extension of time to file an objection, no objection has been filed. Plaintiff, therefore, has waived his right to appellate review of the factual and legal issues addressed in the report. Cassanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #29], **GRANTS** Defendant's Motion to Dismiss for Lack of Subject-Matter Jurisdiction [Doc. #15], and **DENIES** plaintiff's Petition for Mandamus [Doc. #23] and plaintiff's Leave for

Motions to Amend or Add Parties [Doc. #24]. This case is hereby **DISMISSED** for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated this 3rd day of January, 2019.


JOE HEATON
CHIEF U.S. DISTRICT JUDGE